

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID A. DOWS,)	
Plaintiff)	
)	
v.)	Civil Action
KATHERINE E. HOLTZINGER)	
CONNER, ESQ, Chairman)	
PENNSYLVANIA CIVIL SERVICE)	
COMMISSION)	
AND JOHN DOE,)	No. 04 341 Erie
Defendants)	
)	JURY TRIAL DEMANDED

PLAINTIFF'S MOTION TO SEAL A PORTION OF THE RECORD

Plaintiff, David Dows, by his attorney moves the court to seal a portion of the record herein, specifically Part 12 of the Plaintiff's Attachments relative to his opposition to the Defendant's Motion for Summary Judgment.

This Motion is made for the following reasons:

1. In the course of discovery in this matter, various materials entitled Evaluation Guides were provided by the Defendant, and they are now part of a PDF document entitled Part 12, which the Plaintiff had proposed to file as part of its documents in opposition to the Defendant's Motion for Summary Judgment. .
2. The Evaluations Guides are intended for confidential in house use by the Pennsylvania Civil Service Commission for the purpose of guiding its staff in evaluating applications and tests administered for the positions
3. When the Evaluations were provided, counsel for the Commission expressed concern that if the public could access the Evaluation guides, individuals might abuse

the information to obtain a better than deserved grade on the relevant Civil Service examinations

4. . Additionally those persons who were not aware that the Evaluation Guides could be accessed would be disadvantaged and would be ranked lower than would otherwise be the case since they would be competing with people who had seen the Evaluation Guides.

5. In response to these concerns counsel for the parties agreed to take appropriate steps to protect the confidentiality of the Evaluation Guides, and this Motion is an effort to achieve that end.

6. Under these circumstances the Motion serves the interests of all the parties.

7. The Part Twelve materials are ready to be provided to the Clerk of the Court in a sealed envelope along with a disk or CD-ROM, according to the Court's procedures if and when this Motion is granted.

Wherefore, the Plaintiff moves this Court to order the aforementioned part 12 materials ,including the Evaluation Guides, placed under seal so as to be available only to the Court, counsel and litigants.

By _____
William Taggart, Esquire
PA # 19984
1400 Renaissance Centre
1001 State Street
Erie, Pennsylvania 16501-1834
Phone (814) 4511180
FAX (814) 451-1188
wtessq@aol.com

